

PLANNING COMMISSION REGULAR MEETING, TOWN OF PORTOLA VALLEY, JULY 20, 2016,
SCHOOLHOUSE, TOWN CENTER, 765 PORTOLA ROAD, PORTOLA VALLEY, CA 94028

Chair Hasko called the Planning Commission regular meeting to order at 7:00 p.m. Ms. Pedro called the roll.

Present: Commissioners McKitterick, Targ, and Von Feldt; Vice Chair Gilbert; Chair Hasko

Absent: None

Staff Present: Debbie Pedro, Planning Director
Cynthia Richardson, Consultant Planner
Town Attorney, Leigh Prince

ORAL COMMUNICATIONS

None.

OLD BUSINESS

- (a) Public Hearing: Review of a Conditional Use Permit, Variance and related General Plan and Zoning Map Amendments for the Windmill School and Family Education Center Master Plan, File #32-2015, X7D-177, 900 Portola Road, Windmill School.

Planner Cynthia Richardson presented the staff report regarding the final plans for the General Plan and Zoning Ordinance amendment, Conditional Use Permit, Variance, and Architectural and Site Development review for the Windmill School.

In response to Commissioner Targ's questions, Planner Richardson confirmed that Portola Road has a center lane for a total of three lanes at the parking lot entrance to the school.

Chair Hasko asked if the applicant had any preliminary statements. The Monika Chaney introduced the co-directors, Renata Dionello and Lyndsay Lyle; the director, Jody Cocconi; and Carter Warr, the architect.

Architect Carter Warr said that Item #11 of the Site Development Conditions states that all non-native plants must be removed from the site prior to prior inspection. He requested some clarification of that condition because there are some non-native plantings proposed (fruit trees and vegetables). Planner Richardson said that was a notation from the Conservation Committee.

Chair Hasko suggested the Commissioners address the staff report packet in order as there is a large volume of information to review. She asked Planner Richardson to go over the changes in the Initial Study/Mitigated Negative Declaration document.

Planner Richardson said the Initial Study/Mitigated Negative Declaration for the project has been circulated for the last 20 days. She noted the following corrections to be made:

- Page 13, Cultural Resources: (c) should be checked "no impact" and (d) should be checked "less than significant with mitigation incorporation."
- Page 15, Geology and Soils: (a)(iii) and (d) should be checked "less than significant with mitigation incorporation."

- Page 20, Hydrology and Water Quality: (e) should be checked “less than significant with mitigation incorporation.”

Chair Hasko called for questions regarding the Initial Study/Mitigated Negative Declaration document.

Commissioner Targ said the mitigation measures (Page 11) must be mandatory and terms such as “should” and “recommend” must be replaced by “will” or “shall.”

Commissioner Targ said there were no construction-related mitigation measures included in the report and asked if construction-related noise had been considered. Charles Salter, the acoustical engineer, said typically, cities have standard ways to mitigate construction noise – hours of operation, trucks and equipment fitted with mufflers, etc. – and with environmental noise documents of this type, it is expected that the city will invoke their standards for noise. Commissioner Targ said if construction is proximate to a residential area, there is usually monitoring or additional mitigation included based upon the estimated impacts to the nearest receptor. Planning Director Pedro said construction noise is considered to be a temporary noise impact. She said the Town’s limit on construction hours could be included as a mitigation in the noise section. In response to Commissioner Targ’s question, Planning Director Pedro said there is no decibel limit because temporary construction sound is not subject to the Town’s noise ordinance. Commissioner McKitterick said he did not think that temporary issues have been included in environmental studies in the past. Commissioner Von Feldt said Ordinance Section 9.10.040 says all vehicles associated with these activities shall incorporate design features in good operating order that meet current industry standards for noise muffling and noise reduction.

In response to Commissioner Targ’s question, the project architect said it was possible to construct the proposed sound wall before the main buildings. Commissioner Targ suggested including a condition that construction of the wall be done upfront. Planning Director Pedro said it could be included as a site development condition.

In response to Vice Chair Gilbert’s question, the project architect said the construction is expected to take less than a year.

Commissioner Targ said it is stated there could be 120 people on-site at any given time. He asked if that was the number used in calculating potential traffic impact. Gary Black, of Hexagon Transportation Consultants, said the traffic study was based on 66 students plus staff plus a few parents. The applicant said the maximum number of students is 66 during school hours. She said they arrived at 120 as follows: 66 students plus 24 parents who arrive to pick up those students plus 12 teachers, plus the siblings that accompany some of the parents when they pick up or drop off the students. Commissioner Targ suggested that it should be clarified that 120 is consistent with the traffic analysis.

Commissioner Targ asked if there was an analysis of potential bicycle conflicts or if it was determined that it was a sufficiently low number that it would not have an impact. The transportation consultant said the interface between the driveway and the bicycles on Portola Road was discussed in the traffic study. He said the key for safe operations is that the driveway has adequate sight distance where cars and bicycles can see each other, which was addressed and determined to be safe. Commissioner Targ asked if it would still be considered safe if they did not include the recommended signage. The transportation consultant said there had been follow-up analysis by the Town Engineer about the no parking signage, but that would be a question for staff. Planner Richardson said she spoke with the Town Public Works Director and he said there is a requirement for a separation using sections of telephone poles along the path and the traveled way of the road, in order to keep cars from parking on the path. She said there are already some poles in front of the property, but they are deteriorating and will need to be replaced when the new path is constructed.

Chair Hasko called for questions regarding the General Plan and Zoning Ordinance Amendment. Hearing none, Chair Hasko called for questions regarding the Conditional Use Permit Master Plan.

Commissioner McKitterick said that he has never seen an initial CUP that required an additional review within a year to confirm compliance or determine if additional conditions are necessary, as stated in Condition #2. Planning Director Pedro said this condition exists for this project because it is a brand new use for this particular site and the intent is to review it in about year to see how things are going and determine if further amendments should be considered, such as allowing for additional things the school needs or to mitigate any unforeseen impacts.

Vice Chair Gilbert asked, since the Town can review a CUP at any time a violation or nuisance issue is raised, why this condition is specified in this CUP. Town Attorney Prince said once a Use Permit gets issued, if the applicants are not in conformance with the conditions, the Town can institute revocation or amendment proceedings. She said it can also be reopened if the applicant comes forward and requests modifications. She said the Town cannot reopen a CUP because they've decided they've changed their mind on what was previously approved. Vice Chair Gilbert said the wording should be more specific. Commissioner McKitterick asked if there was a circumstance besides a violation in which the Planning Commission could revisit a CUP already in place to add a condition. Town Attorney Prince said that could only occur if the Town was looking to revoke a Use Permit due to a condition violation, at which point the Town could consider generating a new condition to rectify the situation.

Commissioner McKitterick asked if the Planning Commission had a right to reopen a CUP because they decided something was overlooked or something wasn't working out. Town Attorney Prince said the Conditional Use Permit runs with the land and once it is granted there must be a valid basis to reopen. She said the Planning Commission's role here is to take the time to go through and consider potential ramifications of what they are approving, that it complies with the General Plan, and that it complies with the zoning, so that they can make the decision that this is the appropriate use and issue the permit.

Commissioner McKitterick asked if the Town had ever previously conditioned an application to provide a shared parking agreement. Town Attorney Prince said the Town does have a one-page shared parking agreement between the Town Center and Christ Church for things like Farmer's Market, or community events where overflow parking would be needed. She said if the condition simply required coordination, they could try to coordinate but not receive the approval from the church or the other locations to park, which would result in unanticipated parking impacts. She said it may not need to be an agreement, and could just be a letter from the church saying that they've agreed to allow the school to use their parking lot on a certain date.

Commissioner McKitterick confirmed with staff that Condition #31, the indemnity clause, was standard for Town CUPs.

In response to Commissioner McKitterick's question regarding the non-native plant requirement, staff advised it was part of the site development plan and not a Planning Commission issue.

In response to Commissioner McKitterick's question regarding the path in front of the project, staff confirmed that the proposal was to place logs between the 4-foot path and the road.

Vice Chair Gilbert said the report had indicated background noise tended to be approximately 50 decibels. She asked if the 50-decibel background noise would block the noise from the children. Mr. Salter said the sound wall would meet the Town standards for noise – the background noise plus the additional noise from the children.

Vice Chair Gilbert asked the traffic consultant if the traffic would back up into the Windmill lot because of the people waiting to turn left onto Portola Road when exiting from the enrichment classes. Mr. Black said if they all left at once, he would expect a backup of a few cars in the parking lot, but nothing that would cause a log jam.

Vice Chair Gilbert said Condition #8 of the CUP shows a maximum of 45 enrichment students at any one time. The applicant said it is a maximum of 60 enrichment students per day, but they are staggered classes so there would not be more than 45 at any one time.

Vice Chair Gilbert said Condition #5 of the CUP indicates the removal of the 85 percent requirement and instead uses language similar to the General Plan. Town Attorney Prince said a specific percentage requirement such as this has never been included in a CUP before. She said the language in the Zoning Code and General Plan talks about serving primarily Town residents, but there is not a specific percentage tied to it. She said the intent is that businesses in the community serve the community. Planning Director Pedro said the condition was initially included based on Windmill School advising that the majority of their students are from Portola Valley, but upon further discussion with the school, there were concerns with having to meet that requirement as a condition of approval for their use permit. She said that after discussion with the Town Attorney, they decided to modify that condition. Planner Richardson said the school district goes beyond the Town boundaries and some of the students that go to Windmill will be the same students that go to the school district and some are from outside the Town boundary.

Vice Chair Gilbert asked if the requested change for Condition #9(d) was intended for Saturday only, since there were classes on Thursday and Friday. The applicant said they wanted the time change so it would be consistent with Condition #11(c) and that it would only be on Thursdays or Fridays during the summer.

Vice Chair Gilbert confirmed with the applicant that Condition #15 also applied to enrichment students.

Vice Chair Gilbert asked if the applicant had thought more about Condition #26, such as who will be taking care of the animals, if there would be a noise issue, etc. The applicant said the animal care will probably be distributed among the staff, but in time they will probably have someone in charge of maintenance and other things that come up. They also hope to work with some of the seniors in the community with gardening and the animals, and they hope to develop a community effort. Vice Chair Gilbert asked if there would be an issue with coyotes. The applicant said they don't plan to open the farm right away until all the details have been planned out to handle any of the challenges.

Vice Chair Gilbert asked the applicant to describe their timetable for starting the enrichment classes. The applicant said there are no specific plans yet, but it is anticipated that enrichment classes will start small the first year. She said it will be a bottom-up process wherein the parents and families in the community will provide the feedback that determines the types of enrichment classes the school will provide. She said a lot of the parents drive long distances out of town to attend enrichment classes, so they'd like to be able to provide some of that locally.

Vice Chair Gilbert asked if the issue was resolved with the resident at 303 Wyndham Drive who expressed concern about a bedroom in their home looking out at the building. The project architect said they visited the site together and believes the issue has been resolved with the height of the fence and adjustments to the landscape plan. He said a commitment has been made between the school and the neighbor to continue to look at the heights and make sure there is a balance between the acoustic protection the sound wall provides and making sure the light isn't taken away from the neighbor.

Commissioner Targ asked the applicant if Condition #17 regarding the 50 dBA limit would work for their needs. The applicant said she understood it was the Town's ordinance. The acoustical engineer said the metric that the Town uses in the noise element is the hourly average of 50 dBA at a residential property line and a maximum sound level of 65 dBA. The applicant added, regarding the question concerning noise, that the letter from the Wyndham Drive community addresses that question and suggested that there is currently a lot of noise from the commercial side of the shopping center and it will be an improvement to have something else between the shopping center and Wyndham Drive.

Commissioner Targ asked, regarding Condition #22, if there was a Town signage guideline. Planning Director Pedro said the ASCC had already looked at and approved the signage. The project architect described the sign material. In response to Commissioner Targ's question, Planner Richardson showed the Commission the drawings of the signs that were reviewed and approved by the ASCC.

Commissioner Von Feldt asked for confirmation that all of the neighbors understood the proposed hours of operation. The applicant said they did. Chair Hasko asked regarding the notice mechanism and how long the neighbors had to respond. The applicant said the neighbors received a copy of the whole packet and the school has communicated regularly with the Wyndham neighbors for many years.

Chair Hasko asked how much notice has been provided specifically about the hours of operation. The applicant said the hours of operation hasn't been specifically noticed, but said the neighbors have been very involved throughout the process and there have been numerous conversations.

Commissioner Von Feldt asked if the neighbors understood that some events would be outside of the normal preschool timeframe. The applicant said it's been discussed during the meetings and gatherings with the neighbors over the last several years. She said they specifically talked about some of the events the school would be hosting. Commissioner Von Feldt said she was the liaison at the ASCC meeting and said there were quite a few questions about the windmill structure. She said she saw the structure as a sign and discussed with staff if there were any restrictions about that since it is in the scenic corridor. She asked if the project team had thought any more about the aesthetics of the windmill. The applicant said she understood the ASCC's comments to be regarding the shape of the structure. Project architect Warr said they did not see it as a sign, but saw it as a symbol, representative of an actual windmill, but on a much smaller scale. Commissioner Von Feldt asked if the windmill was ever actually functional. The applicant said long ago it was a well with a water pump, but the blades were decorative and didn't actually operate the pump.

Chair Hasko asked for clarification on Condition #12, which indicates 38 regular parking spaces plus 2 handicapped spaces. Planner Richardson said it should read 39 regular parking spaces plus 2 handicapped spaces.

Chair Hasko called for questions from the Commission regarding the variance.

Vice Chair Gilbert said the answers to variance Findings #3 and #5 appear to have been swapped. Planning Director Pedro said that will be corrected.

Vice Chair Gilbert called for public comments or questions.

Elizabeth de Oliveira 331 Old Spanish Trail. She said the children spoke elegantly regarding the Windmill School at the last hearing and said the Windmill School community is a gift that keeps on giving. She said the benefits enjoyed by the families who have been able to be part of the Windmill School community also spill into the community at large. She said you will see Windmill families heavily represented in the volunteerism and leadership in Portola Valley – scout leaders, coaches, classroom

volunteers, Foundation, PTO, site councils, school board leadership. She said the sense of community that develops at Windmill creates a spirit of volunteerism and a culture of service that grows and inspires other people and strengthens the entire community. She expressed support for Windmill's application.

Bud Eisberg, 233 Wyndham Drive. Mr. Eisberg said he is a former Windmill parent and a neighbor. He said there is another windmill down the road and his recollection is that when that property was developed, the property owner wanted to tear down the windmill. He said this was heavily opposed by the community, even though the windmill wasn't operable. He said the applicant's project plans follow the General Plan guidelines for the Scenic Corridor. He said he commends the applicant for reaching out to the neighbors regarding this project starting back in 2011. He said the details of the project, including the hours of operation, have been discussed during these meetings. He said it was the residents' choice on whether to attend the meetings or not. He said the notices from the Town advise any interested parties to come to Town Hall to look at the plans.

Brian Lukatch, 303 Grandview Drive. He said Windmill is the best school he's ever been to because he met all the friends he currently goes to school with at Windmill and he thinks other kids deserve the opportunity to grow up at Windmill.

Joan Barksdale, 30 Joaquin, said Craig Eckstein, 206 Wyndham Drive, had to leave early, but she brought his written message. "I, Craig Eckstein, fully support Windmill School as a tenant, occupant, and owner of the site, and we are excited to have them as a neighbor. I have two kids who will definitely be attending, and it's great to have a local place for my kids to attend nursery school. Windmill will be a great addition to our community." Ms. Barksdale said she hopes this project can be facilitated and said she appreciated all the care and detail work done to make this happen.

With no further public comment, Chair Hasko brought the item back to the Commission for discussion.

Commissioner McKitterick thanked the parents and the development committee for working so hard to develop the plan for a project that the Town very much needs. He said it is very important for Portola Valley to have a nonsectarian preschool that can serve the community, as a planning value and as a Town value. He said he is always amazed at what happens when people in the community get together and work hard toward a goal. He also thanked all the neighbors for their support. He thanked project architect Carter Warr for his work on this project, as well as his many years of service and volunteer work for the Town.

Commissioner McKitterick asked if the Commission was comfortable with the wording in Condition #2 regarding the first year annual review. Vice Chair Gilbert said she interpreted it to be very similar to what The Priory provides with their annual reports. Commissioner McKitterick asked if the applicants would bring a report to the Commission in person the first year and then just submit annual reports thereafter with the Chair deciding if it needs to be brought before a public hearing. Chair Hasko said it will be important to circle back and have a full discussion at the first year review. Vice Chair Gilbert said there are a lot of new things being tested, particularly intensity on the site, and she was open to keeping things general as long as the Commission has the option to work through any issues that may come up.

Commissioner McKitterick expressed that he does not support Condition #14 regarding overflow parking. He said he does not think Windmill should have to coordinate their events or defer to the Town or surrounding churches. He said the issue is parking on Portola Road. He said the parking problem happens at the Alpine Hills club from time to time, regularly at Windy Hill, and every weekend at the churches. He said he did not want to include a requirement in the CUP that the applicant may be unable to fulfill. He suggested language such as: "Windmill shall use reasonable efforts to not have

site-related parking on Portola Road. It shall do this by coordinating with Town Hall and surrounding churches ... and by directing site users not to park on Portola Road or Wyndham Drive.” He said he would like the focus to be more on encouraging the applicant to help the Town with their goal of keeping people from parking on Portola Road.

In response to Chair Hasko’s question, Town Attorney Prince said it is illegal to park on a trail and that a trail is in front of the school. Commissioner McKitterick said there should be no parking at all along Portola Road. Town Attorney Prince said the term “reasonable effort” is very difficult to enforce. Commissioner McKitterick said he could enumerate required efforts, such as communicating with the churches and Town Hall or communicating with the users not to park there, but he said the Town cannot require the school to have an agreement with the Town or the churches.

Ray Williams, 3 Wyndham Drive. He said he has lived at the corner of Portola Road and Wyndham Drive for 42 years. He said trying to get the churches to control the parking on Wyndham has never worked – not with signs and not with periodic ticketing by the Sheriff. He said he was pleased that the school volunteered to do something because nobody else ever has. He said to increase the traffic and not have a control is not good.

Commissioner McKitterick suggested: “There will be no parking of site users on Wyndham Drive.”

Town Attorney Prince said that the problem to be solved is that there is a parking lot with 41 stalls that cannot accommodate the proposed use for events of up to 200 people. She said this condition is intended to create a scenario where the school can make advanced arrangements for events, and the Town can confirm there will be adequate parking provided. She said without this condition, the site would be required to meet a parking requirement to fit 200 people on-site. Commissioner McKitterick had concerns about a CUP condition regarding agreements that do not exist.

Commissioner Targ said if there is no control in place, the result is an unmitigated significant impact, which would require reopening of the initial study. He said a mitigation requires a defined outcome and identification of a reasonable way to achieve that outcome. He said if no parking is allowed on any road, the Sheriff would enforce it, and it would be self-mitigating. He said, more properly, the standard should be identified and then a reasonable range of options offered to make it work. Commissioner McKitterick pointed out the request is for a maximum of five events per year.

Vice Chair Gilbert asked the applicant how they would plan for parking in advance for an event with an expected 200 attendees. The applicant said they have already talked to the two churches about this kind of event, and the church was agreeable and has also expressed interest in using the school’s parking lot for their events. Vice Chair Gilbert asked the applicant how they would handle it if they planned an event, and the church could not accommodate their request for parking. The applicant said they would then change the date of their event because their event dates are not set in stone and can be planned around when parking is available. The applicant said she was concerned about being required to have a signed agreement with the two churches because coming to an agreement informally with the churches is an entirely different request than asking them to sign a contract. She was also concerned that other applicants were not required to meet such a condition in their Conditional Use Permits.

Commissioner Von Feldt asked if the requirement to show proof of an agreement could be as simple as an email indicating an agreement to provide parking. Town Attorney Prince said the condition can be modified to say arrangement rather than agreement. She said it would be acceptable for the church to submit a letter to staff verifying that they have agreed to allow the school to use their parking facility on a certain date and time. Ms. Prince said this condition is not being imposed only on this applicant. She said The Priory is required to have a public hearing in advance of a large event. She said this is

the kind of thing staff would deal with for any institution in Town that was looking to have a large event. She said staff is trying to be forward-thinking so the applicant does not have to come back every time they want to hold an event.

Commissioner McKitterick asked if the applicant could ask people to park at the Town Center if there were no other events going on at the Town Center at the same time. Planning Director Pedro said they have groups come to the Town requesting to use the parking lots on a regular basis and it's just a matter of coordination. In response to Chair Hasko's question, Ms. Pedro said they sign written agreements with the requestors. Project architect Warr questioned the fairness of requiring permission from this applicant considering that whenever the Town or the churches have events, people regularly park in the nearby parking lots and on the street without advanced permission.

Commissioner Von Feldt said because parking is already a problem, the Planning Commission's role is to try to plan for these things so that a new high intense use does not exacerbate the problem. Town Attorney Prince said the Town does have very simple and straightforward shared parking agreements with the church.

Chair Hasko said she was supportive of the efforts to address the parking. She said the issue of parking and safety on Portola Road, apart from this project, is noticeable to residents and to the bicyclists that have to veer out into traffic, and the Commission needs to be attentive to that. She said that a casual agreement for parking is reasonable and practical.

Planning Director Pedro read The Priory's parking condition – "The frequency of any shared use or gatherings for 50 or more persons to a maximum of 200 persons shall be limited to no more than three times a year. Prior to any of these three permitted larger community events, a request for the activity shall be presented to the Planning Commission for review and approval. The request shall be provided with sufficient data to demonstrate that the use will not conflict with any other planned school or community use activities, will be served by adequate parking, and that there will be organized monitoring to ensure that parking is kept on-site."

Commissioner McKitterick asked if the Town wanted proof of a shared parking agreement or proof of an adequate parking arrangement. The Commission was supportive of requiring an adequate parking arrangement, which is a more casual term than agreement.

The applicant clarified that when they are talking about a 200-person event, which is the maximum they will ever have, a family would likely arrive in one car, not 200 cars. She said she would anticipate the need for approximately 10 additional parking spaces for their large events.

Commissioner McKitterick said the reference to 10(c) in Condition 14 needs to be changed to reference 11(c). He said the reference to "special events" should be changed to "large events" for consistency. He was satisfied with the sightlines from the driveway for bicycle safety. He said the windmill was not on the sensitive side of the Portola Road corridor, and the large trees mitigate a lot of the structure in terms of scale but he understood the aesthetic issue.

Commissioner Von Feldt said the ASCC was not supportive of the aesthetics of the windmill but did not make it a condition of approval. She said while she would also not make it a condition of approval, as it does not violate the sign ordinance, she anticipates some pushback from the community when they see that windmill and would prefer a subtler interpretation.

In response to Commissioner Targ's question, Planning Director Pedro said staff will add a requirement to the site development conditions that the sound wall be built early in the construction process.

Commissioner Targ was supportive of the project and said he thought it was fabulous to have a permanent home for Windmill, who has served the community so well and for so long. He commended the project team on their work. He said he remains concerned about traffic and potential backup and said if this process has not resolved the issue, he will want to see it revisited next year.

Vice Chair Gilbert said Condition #6 should read "After school enrichment programs for K-8 students, maximum enrollment shall be 300 with no more ..."

Vice Chair Gilbert asked for and received confirmation from the applicant that they understood that the only time they could go over 120 people was under Condition #11(c), which is 76-200 person events. She suggested modifying Condition #9(d) to read: "(3 of which could be used by Portola Valley-based non-Windmill groups)" so that it is not left open to just anyone who wants to hold an event there. The applicant said they were thinking about things like Challenge Success based out of Stanford. Planning Director Pedro pointed out that Condition #11 specifies "... ensure that all events held at the Property shall be in furtherance of the family and educational purposes of the school to support school age children and their families."

Vice Chair Gilbert was supportive of changing the hours to 8:00 a.m. to 10:00 p.m., on Thursday through Saturday, except for when regular school is in session.

Vice Chair Gilbert suggested modifying Condition #11(c) to read: "Five (5) times a year, special programs/events shall occur only ..." Planning Director Pedro said outdoor music amplification is not permitted in Town.

Vice Chair Gilbert said when the Windmill School property is used for a non-Windmill or community-based event, she is concerned regarding parking and noise and asked if that would be Windmill's responsibility. Planning Director Pedro said it was Windmill's use permit so they would be responsible.

Vice Chair Gilbert asked if the Planning Commission would have the ability to address potential future issues that may need to be modified. Commissioner Targ said there were two places that discuss reviews within the CUP – in Condition #2 and #29. Chair Hasko said she initially thought those conditions took care of the issue regarding the possible need to revisit, and potentially modify, the CUP, but it sounded like the Town Attorney was saying that in practice it was not okay to see how it goes for a year and then modify the CUP. She said, for example, if the traffic is not at the point of violation, but there are safety issues noticed or neighbor complaints, if something could be done to bring that issue back for discussion. Town Attorney Prince said Condition #2 was provided so that the Planning Commission and the Town had the opportunity after one year to revisit how this use was working or give the Town "another bite at the apple" relative to the conditions to ensure consistency and harmony with the surrounding uses. She said once the CUP is issued, provided the applicant is not in violation and they're not seeking an amendment, there is no basis for the Planning Commission to sua sponte reopen the use permit. The applicant said that makes her uncomfortable if this is going to be considered a temporary CUP. Commissioner Von Feldt said this approach allows the Commission to be more permissive at the outset so that if, for example, there are some neighbors that did not quite understand the usage and later had complaints, the Planning Commission can revisit it to solve a problem. Commissioner McKitterick said he was not comfortable with this approach and pointed out it is not done with every CUP. He said he would anticipate pushback from a commercial entity who makes an investment and gets a CUP that can be modified in a year. He said the decisions should be made tonight on the CUP. Vice Chair Gilbert said the alternative would be to be more restrictive with the CUP, i.e., allowing only one special event, see how that goes, then have the applicant come back if they want an amendment.

Chair Hasko summarized the Commission's categories of concern as traffic, parking, and noise. Chair Hasko said the language modifications in the CUP were making her more comfortable to support the applicant moving forward with their project, while still allowing the Commission to have the ability to address material issues that may come up in the next year. She said she did understand that certainty was valuable to the applicant, but if they insisted on that at this point, the Planning Commission would have to approve it with the current amendments, approve it with more restrictive amendments, or continue the matter.

The applicant said the list of the school's events provided in the packet are the same as what they provide currently at their Alpine Road facility, which is next to a residential property and the Alpine Hills club, and they have never received a complaint. She said she wanted to point out that there was not a lot of new usage being proposed and it was sounding as if this was all new usage. Planning Director Pedro said the only reason the Planning Commission would be looking at this in one year is to ensure harmony between the use and the community. She said if there have not been any problems at the other location and they don't expect any problems at this location, there would not be any surprise conditions. She said this approach is a two-way street, where this one-year review would also allow Windmill to come to the Town and request further amendments that they may find they need.

Commissioner McKitterick said he has not seen this requirement before and is not comfortable with it. Vice Chair Gilbert asked if Commissioner McKitterick would be supportive of a CUP that was more restrictive. Commissioner McKitterick said the applicant's proposal is reasonable. In response to Chair Hasko's question, Commissioner McKitterick said in Condition #2, he would strike the verbiage "and to determine if any additional conditions are necessary to ensure harmony between the use and the community." He said he initially wanted more stringent language regarding parking, but said he understood the points that have been made and ultimately agrees with them. It appeared to Commissioner McKitterick that the Town's concerns had been resolved following months of work between the staff, the applicant and the preliminary hearing, and that if there were any further objections from the Planning Commission, that those should be resolved now.

Chair Hasko asked the applicant how they arrived at the maximum total of five large events. The applicant referred to Exhibit G in the packet, a memo from Windmill that talked about the use permit zoning application. She said the Town's General Plan, Section 2147.5 says "Schools should make recreation areas and facilities available for use during non-school hours." She said it is clear in the General Plan that they are supposed to be community oriented and therefore, they generated a list of events. She said there was no particular rationale for choosing specifically five events, but pointed out that they will have fundraising events because they are non-profit, and would also like to have educational events with book authors and educators.

Chair Hasko asked the Town Attorney if there was precedent in Portola Valley for the wording in Condition #2. Town Attorney Prince said she is not sure if it's been used in Portola Valley before. She said this wording was added in part due to some of the Planning Commission and ASCC comments. She said she has seen similar wording with other schools in other jurisdictions, so that both sides have the opportunity to revisit what is and what is not working and determine if there are any issues that need to be fine-tuned. She said it is not, however, a requirement and it can be removed if the Commission is uncomfortable with it.

Chair Hasko was supportive of the variance findings after correcting the answers that were swapped for paragraphs #3 and #5, as pointed out by Vice Chair Gilbert.

Commissioner McKitterick moved to modify Condition #2 of the Conditional Use Permit to remove the words "and to determine if any additional conditions are necessary to ensure harmony between the use and the community." The motion was not seconded.

Vice Chair Gilbert moved to recommend approval of the Resolution to recommend approval of the Initial Study/Mitigated Negative Declaration as amended; the Conditional Use Permit Master Plan as amended, with exception of the friendly amendment that failed; the General Plan map amendment; the Zoning Ordinance map amendment; and the variance request subject to the attached variance findings. Seconded by Commissioner Von Feldt; the motion carried 5-0.

NEW BUSINESS

- (a) Review of Final Parcel Map for consistency with the Tentative Parcel Map, Files #22-2015, X6D-210 and PUD X7D-171, 1260 Westridge, Carano

Planner Richardson presented the staff report regarding review of the final parcel map for the property located at 1260 Westridge.

Chair Hasko called for questions from the Commission.

Vice Chair Gilbert asked regarding the applicant's reason for requesting that Lot B be larger. The applicant said the change is to increase the lot size to accommodate the square footage of the main house.

Commissioner Von Feldt said Lot A was half-impeded due to the FEMA 100-year flood line. She asked if the reduction in size affected the buildable area. The applicant said they worked with FEMA, and the majority of that area was removed from the FEMA map, almost all the way to the left side of Lot A.

With no further questions, Chair Hasko called for additional comment from the applicant. Hearing none, Chair Hasko called for discussion from the Commission. Hearing none, Chair Hasko called for a recommendation.

Chair Hasko moved to recommend approval of the Final Parcel Map as being consistent with and in general conformance with the approved Tentative Parcel Map. Seconded by Commissioner McKitterick; the motion carried 5-0.

- (b) Preliminary Review of Proposed Two Lot Subdivision, File #03-2016 and X6D-218, Firethorn, Goodrich

Planner Richardson presented the staff report regarding the proposed two-lot subdivision of an 11.02-acre property located on Firethorn.

Chair Hasko called for comments from the applicant. The applicant said they are there to answer any questions from the Commission. Chair Hasko called for questions from the Commission.

Vice Chair Gilbert confirmed with the applicant that the easement did not interfere with the road leading to the historic buildings.

Commissioner Von Feldt confirmed with the applicant that the second entrance was around the corner from the maintenance access.

Chair Hasko said that Firethorn Way was not a through street and asked what changes were being proposed there. The applicant said they are doing right of way dedications and easement dedications and are only improving the Los Trancos for right of way by widening the shoulder.

Vice Chair Gilbert asked when the proposed road widening for Los Trancos Road would occur. Planner Richardson said that would occur after the final map is approved, which would include a list of

conditions to be met, for example the sewer extension, sewer attachments, utilities, and the road widening. She said these were conditions to subdividing the existing parcel and not to building the additional parcel.

Commissioner Von Feldt asked if the road widening would involve cutting into the hillside. The applicant said there is a small area at the turn where it might have to be cut and they are working with staff and Public Works to define what that will look like. He said staff is still discussing it, but it would probably either be an 18" curb or a berm with a cut slope.

Commissioner McKitterick asked what standards the Planning Commission should be reviewing for a subdivision and if there was anything discretionary. Planner Richardson said tonight was just a preliminary review and they will need to make findings when it comes back to the Commission.

Commissioner Targ asked what findings they would need to make in order to approve it when it comes back to the Commission. Planner Richardson said the Commission will need to make findings concerning consistency with the General Plan, the Subdivision Ordinance, and Zoning Ordinance. In response to Vice Chair Gilbert's question, Planner Richardson said the property has been annexed into the WestBay Sanitary District and there is an existing sewer on Los Trancos Road so it would merely require a lateral sewer connection. Planning Director Pedro said the Commission will also need to find that the lot configuration is suitable for development to avoid very irregular-shaped lots.

Commissioner McKitterick asked if the road width would change on Los Trancos Road. The applicant said widening of the shoulder for a pathway will be required.

There were no further comments.

COMMISSION, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

(q) Planning Director Pedro – Polled the Commissioners regarding their preference for printed packets or electronic packets with links. Vice Chair Gilbert said the electronic versions of the plans were difficult to read. Vice Chair Hasko wanted a printed packet, the rest of the Commissioners were agreeable to electronic packets.

(b) Town Center Master Plan Meeting – Commissioner Von Feldt said the Town has purchased an online public engagement system to help with communication and feedback from residents. She said their first step will be to get feedback about the Town Center Master Plan. She said there was a lot of discussion about the survey questions. Planning Director Pedro said on the Town Center Master Plan survey will be rolled out on August 22.

APPROVAL OF MINUTES: June 15, 2016.

Vice Chair Gilbert moved to approve the minutes of the July 20, 2016, meeting, as submitted. Seconded by Commissioner McKitterick, the motion carried 5-0.

ADJOURNMENT [9:28 p.m.]